

December 6, 2011

7:00 p.m.

Planning Division
Council Chambers

MEMBERS PRESENT: Chair Margaret Wimborne, Commissioners Natalie Black, Brent Dixon, Kurt Karst, George Morrison, Leslie Polson and Dee Whittier.

MEMBERS ABSENT: Commissioners Jake Cordova, Donna Cosgrove, David Hodder and George Swaney.

ALSO PRESENT: Assistant Planning Director Brad Cramer and Recording Secretary Donna Carlson.

CALL TO ORDER: Chair Wimborne called the meeting to order at 7:00 p.m.

MINUTES: November 1, 2011. Commissioner Polson moved to approve the minutes of November 1, 2011, as presented. Motion seconded by Commissioner Morrison. Motion passed.

Public Hearings:

Planned Unit Development (PUD) for construction of 24 townhome units: Lot 3, Block 2, Fenway Park, Division No. 1. Cramer reviewed the staff report, a part of the record, and stated the applicant is not the original developer for the Fenway Park subdivision. Cramer noted in some cases landscaping along the streets has been counted as common area required for a PUD; however, some units in this proposal have small yard areas. The common area plays an important role in alleviating these small yards. It is challenging to take two existing foundations and parking area originally intended for offices and construct residential units with sufficient common area. Staff is concerned about the lack of trees and shrubs shown on the site plan, and no fence is noted with the exception of a 3-foot fence around the play area. There is no buffer between the residential area and St. Clair Road. If the areas labeled as common area are counted as sufficient for twenty percent common, then the proposal meets the requirements of the PUD provisions with the exception of landscaping due to the lack of trees and shrubs. Buildings 3 and 4 shown on the site plan may shift slightly east due to an easement issue being resolved with the Public Works Department.

Karst asked how many parking spaces are provided. Cramer answered 48 spaces are required and 60 spaces are currently striped. Dixon noted the lots to the north are included in the PUD site. Cramer said this parcel was originally included in the larger Fenway Park PUD. The large parcel

was zoned together as approximately ten acres. Dixon said this parcel is approximately one acre too small to be a stand-alone PUD and asked how the two properties are tied together. Cramer suggested the applicant address that issue. Polson clarified the site plan from the previously approved PUD does not need to be followed. Polson referred to the zoning ordinance and indicated the goal of the R-3A zone is to make sure the property is residential in character. The zoning ordinance states all uses must be developed in harmony with residential uses including attractive lawns, shrubs, and trees both on the street and around the buildings. Polson asked about the rear doors opening onto grass. Cramer said the ground immediately around the building has not been counted as open space because this area is generally not available for use and enjoyment of all the residents. Not every green area shown on the site plan is included as common area.

Dixon noted the property immediately to the north is part of the original PUD. The common area for that portion of the PUD includes some of the drainage for the current application. Cramer said a large part of what was counted as common space in the original PUD is the storm pond shown in the center of the apartments to the north. Cramer noted the pond is pretty deep. Dixon asked the number of units per building in the property to the north. Cramer answered two units per building. The current proposal is designed for drainage to the existing storm pond along St. Clair. Dixon asked if there is adequate access to the land in between the proposed development and the car wash to the east. Cramer said the planned removal of the asphalt driveway provides adequate space between accesses to construct an access to the adjacent property.

The hearing was opened to the public.

Kent Wood – 1110 Ashland, Ammon. Mr. Wood said the property has been bank owned since approximately 2005. Mr. Wood made an offer on the property subject to making some changes approved by the City. The intention is to build four-plex apartments where each building can be owned separately in the future. Four-plexes can be more easily financed than a larger building. The bank has provided an extension on the contract until January.

Mr. Wood is licensed with the City of Idaho Falls as a commercial contractor. The proposed construction is frame with a thirty-year roof, four entrances surrounded with cultured stone, and vinyl siding on the buildings. The units will be either two or three bedrooms, depending upon the size of the building. The units will be for rent and Mr. Wood does not intend to sell individual units. The proposed buildings are close in height and will be similar in appearance to the property to the north. There will be a berm around the entire common area and trees are planned that do not appear on the site plan. Low shrubbery is also planned along the east side.

Polson inquired about colors. Mr. Wood answered the siding will be earth tone rather than blue as built on the property to the north. Polson clarified a fence is not planned for separation from property to the east. Mr. Wood said the 3-foot fence for the children's area runs along John Adams Parkway. Black inquired about landscaping. Mr. Wood said he intends to use trees

similar to the variety along St. Clair Road. Polson inquired about lighting. Mr. Wood said the covered parking spaces will have motion sensor lights. There are no light poles.

Ryan Loftus – 10727 Yellowstone Highway. Mr. Loftus is the civil engineer for the project. Landscaping and fencing have been discussed. Shrubs and trees are called out in the notes. The developer is willing to provide more trees if requested. The developments are tied together by infrastructure and the developer is trying to work with the existing drainage, parking, and curbing. The original design for this site included office buildings. Black asked if the architecture ties in with the existing property to the north and Mr. Loftus answered yes. The buildings are similar with a hipped roof on the front side. The rear sides have modified Mansard gables. The buildings have vinyl siding and similar roof pitches.

Cameron Row – 430 Dugout Way. Mr. Row lives to the north of the site and is concerned about the number of units being proposed. He asked if tall shrubbery is planned for the fence along the north as a visual barrier between the existing units and proposed units. Twenty-four units is a large number for the amount of acreage. The term townhome is used but the units appear to be apartments. There have been some problems in the apartments nearby, including drugs and stabbings, and he is concerned about problems on both sides of his property. Mr. Row was told an office building would be on the property, and he would be less apprehensive if that were the case. Mr. Row is a concerned father.

Dixon asked about commonality between the two areas. Mr. Row has a two-car attached garage, a porch, three bedrooms, and 2.5 baths. Other than two units with basements, the units in the existing development are similar. Polson asked about shrubbery on either side of the fence existing to the north of the proposed development. Mr. Row answered it is a white vinyl fence without shrubbery on either side.

Vickie Skinner – 417 Dugout Way. Ms. Skinner indicated the existing storm pond already seems to be more like a swimming pool. She is concerned about adding more drainage to the pond.

Erin Skinner – 417 Dugout Way. Ms. Skinner asked how close units 3 and 4 will be to the existing fence. She is also concerned about the partial fence around the play area. The road and car wash are busy and she believes the area should be more secure. Cramer said PUD setbacks for side yards must have 12 feet between buildings, and rear yards must have 25 feet between buildings. The site plan shows 7-1/2 feet from buildings 3 and 4 to the fence. It is 25 feet from buildings 3 and 4 to the building on the property to the north. The relationship to the property line is not mandated in PUD setbacks. Dixon clarified there is 25 feet between the rear of the existing buildings in the development to the north and the side of the proposed buildings, even though 18 feet of the required setback is north of the existing fence.

Kent Wood – 1110 Ashland, Ammon. Mr. Wood is not opposed to continuing the fence around the children's play area as well as extending it north to the existing fence. A 3-foot high fence is planned due to traffic visibility.

Polson inquired about drainage. Mr. Wood indicated the drainage from this property will run onto property with a separate ownership, despite being designed and engineered as one parcel. Mr. Wood is addressing this issue and has been in contact with the property managers of the development to the north. There is a preliminary agreement regarding a cross-easement document. There has also been preliminary discussion about being part of the homeowners association due to the possible need for maintenance funds.

Ryan Loftus – 10727 Yellowstone Highway. Mr. Loftus said the drainage soil running along St. Clair Road was originally designed to carry 1.3 inches over the entire site including the proposed development. The design meets City standards. Generally we do not receive more than one inch of precipitation in a 24-hour period. The 1.3 inches required by the City is conservative. Mr. Loftus noted the drainage soil is not on this property, but modifications can be considered if a swale is not performing well. Approximately seventy-five percent of the total drainage from this site is already going to the storm pond. Additional drainage will be generated from the roof areas of the six buildings, and landscape surrounding the buildings soaks up some runoff. Mr. Loftus believes the proposal will have little effect on the storm pond except during a large storm or spring runoff.

There were no further comments and the hearing was closed to the public.

Dixon asked about setbacks in a PUD. Cramer said with the exception of a setback along a street, all other setbacks within a PUD are between structures, even in a situation when the structures are not on the same property. Karst inquired about the logic involved with the setback as well as any possible height-related setback. Cramer said there is no setback based upon height in a PUD. The intent of the PUD Ordinance is to provide some flexibility from regular standards. The tradeoff for smaller setbacks is the requirement for twenty percent open space. It is possible clarification is needed to address what can be called common open space. Dixon is not following the logic of impinging upon a neighboring community that is not part of the PUD in exchange for open space provided to the residents of the PUD. This scenario does not seem to protect the non-PUD neighbors. Cramer said this is a good point and it is possible the Ordinance should be reviewed.

Dixon has mixed feelings about what action to take on this proposal. The current situation is worse than a vacant lot, with existing foundations creating hazards. This property has not developed as commercial and the commercial portion of the original PUD does not fit with residential in the area. Converting the area to residential property makes good sense. Using parking and foundations already in place holds down costs. There are differences between the townhomes planned for this development and the buildings to the north, including garages,

number of units per building, density and distance between properties. Residential makes good sense but Dixon is concerned about the density and close proximity to the neighbors to the north.

Wimborne clarified the proposal meets the density requirements. Cramer said the density is proposed at 15.5 units per acre. The zone within this PUD allows up to 35 units per acre, although that density has not been attempted in Idaho Falls. Whittier stated it makes sense to utilize the existing foundations, but questioned the planning of buildings 3 and 4 given the close proximity to the fence and existing buildings to the north. Polson indicated the property is zoned residential with a PUD overlay and it was always possible residential would be developed on this site. Polson believes the Commission needs to decide if the outside green space fits the intention for common open space as a recreational and/or common use of the occupants. She mentioned the possibility of replacing some parking spaces with common space. Polson is concerned about buffering to the north as well as to the east due to the potential for commercial development.

Karst said the overall landscaping plan contains adequate landscaping to create or maintain a residential feel. He is concerned about the availability of common space for use by the entire development. Karst appreciates the concern of residents to the north regarding units 3 and 4 encroaching upon existing development. He understands the representation that commercial would be developed in this area. Karst said it appears this is another instance of facts being misrepresented to a potential buyer. Allowing buildings 3 and 4 to be built as proposed is not offset by receiving proper and adequate open space. Karst suggested increasing the setback behind townhomes 3 and 4 in trade for the shortfall on the open space.

Dixon asked if the existing handicapped striping is required for townhomes. Cramer answered the striping for vans with lifts can be removed. Dixon suggested the possibility of building twenty units instead of twenty-four and combining buildings 3 and 4 into one unit. Wimborne said the development meets all the criteria on paper but questioned if the Commission considers the side strip common space. Karst does not believe the perimeter landscaping meets the intent of the Ordinance for common open space. Morrison agrees and added St. Clair Road is as busy as John Adams Parkway. He also does not believe a play area without a fence is viable as common space. Polson said the area along St. Clair Road does not look like an area where people will picnic or take children to play. Black is happy the property is being considered for development but does not believe there is enough landscaping.

Polson agrees the best approach for the layout might be to turn buildings 3 and 4 into one building, fence along the east of the property, and add more trees. Surrounding residential near this site has a lot of mature trees.

Wimborne clarified the Commission does not consider the strip as common area, and the proposal does not meet the open space requirement. Karst understands the applicant has a time line and prefers to make a motion approving the request if specified changes are made. Cramer said this is an appropriate course of action if requests are not too specific. Karst clarified the

Commission does not believe the perimeter landscaping meets the intent of providing open common space in a residential PUD development. He also believes there is a shortcoming in the PUD Ordinance for allowing encroachment on neighboring properties, specifically by allowing 7-1/2 feet between a two-story building and the property line.

Commissioner Karst moved to recommend to the Mayor and City Council approval of the Planned Unit Development for 24 townhomes, Lot 3, Block 2, Fenway Park, Division 1, as presented, with changes as follows: 1) the common area be increased by reducing the size of buildings 3 and 4 on the north side or replacing those buildings with one similar to building 2; 2) significantly increase the number of deciduous trees; and 3) provide a fence around the playground area along John Adams Parkway and the property east of the designated playground/open area, continuing north along the property line to the northeast corner of the property. Motion seconded by Commissioner Dixon.

Polson prefers more deciduous trees along St. Clair Road if the layout permits. Dixon believes the setback issue is an important aspect of the motion. There are options for obtaining interior space including removal of parking between buildings 4 and 5. Dixon noted his main concern is impinging upon the neighbors. There are extenuating circumstances for this development such as being smaller than required for a PUD except for being tied into a pre-existing PUD, and trying to utilize existing development. Dixon also noted perimeter landscaping is more critical for a commercial PUD. Karst added the motion does not preclude any good ideas that assist in meeting the intent of creating more common open space.

Cramer summarized his understanding that the landscaping along St. Clair Road does not count as common open space. The intent of adjusting buildings 3 and 4 is to provide additional setback to the north and additional open space. Cramer said if no landscaping along the roadway is counted, there is a shortage of approximately 4,500 to 5,000 square feet short. If the applicant were to adjust buildings 3 and 4 to match building 2, no additional rear yard would be counted as common open space. Cramer confirmed none of the landscaping along the street is counted as common open space. Cramer did not count the area between buildings 5 and 6 as common area because the rear of building 5 is facing the front of building 6. The area consists basically of back yards and entrances to homes. Karst said he was not prescriptive on how to reconfigure buildings 3 and 4, but would like to see a more reasonable setback to the north and legitimate open space added to the interior of the project. Whittier noted the east side of the parking lot is green and is being considered open space. Cramer said this area is counted as open space because of the pathway to the park.

The motion passed unanimously.

The meeting adjourned at 8:45 p.m.

Donna Carlson, Recording Secretary